

REMARKS

Applicant respectfully requests reconsideration of the present U.S. patent application as amended and discussed herein. In the Office action dated June 24, 2005, claims 1-2, 19-20, 23-24 and 34-35 are rejected under 35 U.S.C. 112, and claims 3-9, 25-33, and 36-48 are rejected as being dependent on a rejected base claim. None of the claims are rejected based on prior art.

Rejection under 35 U.S.C. § 112

Applicant thanks the Examiner for the courtesy extended during the July 26, 2005 telephonic interview. In that interview, the Examiner acknowledged that the written description and drawings of the present application support the following claim language:

light having the first wavelength and the light having the second wavelength can be balanced, at least in part, by adjusting durations of the first emission time period and the second emission time period

The Examiner, during the telephonic interview, invited Applicant to amend the claims to incorporate this language, so as to remove any doubt that the claims are in fact supported by the written description and drawings.

In accordance with the Examiner's invitation, the claims of the present application are herein amended to include the above limitation. This amendment is made despite the fact that Applicant believes that the previously presented claims are fully supported by the written description and drawings, and that the 35 U.S.C. 112 rejection made in the June 24, 2005 Official action is without merit. The present amendments are in no way an acquiescence to the 35 U.S.C. 112 rejection, but rather are made to advance prosecution

without further delay. Applicant submits that the present amendments do not change the scope of the claims, but rather define the scope of the claims with the same words used in the specification.¹

The present amendments are supported at least by Page 12, lines 5-7 of the present application, which states:

The display controller 56 adjusts the duty cycle of each of the color channels 204 to re-balance the color emitted by the light source 32 by generating appropriate control signals 202 to power supply 34 and switches 208.

The present amendments are also supported at least by language from U.S. Patent Number 6,224,216, which was originally incorporated by reference into the present application, and which has been added to the present application by way of an amendment to the specification submitted May 10, 2005. This language states:

Skilled persons will appreciate that white balancing can be accomplished or fine tuned by modulating the amount of time for which each different color LED array 70 is activated.

It is believed that all claims are fully supported by the written description and drawings. Accordingly, rejection of all pending claims should be withdrawn.

¹ It is worth noting, however, that "there is no *in haec verba* requirement" that claims use the exact same words as the written description. See MPEP 2163(I)(B).

Conclusion

In view of the above amendments and remarks, Applicant believes that this application is now in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF FACSIMILE
TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office via fax number 571-273-8300 on September 20, 2005.

Nicole Fye
Nicole Fye

Respectfully submitted,

ALLEMAN HALL MCCOY
RUSSELL & TUTTLE LLP

Jason C. Creasman

Jason C. Creasman

Registration No. 51,587

Customer No. 50488

Attorney/Agent for Applicant(s)/Assignee

806 SW Broadway, Suite 600

Portland, OR 97205

Tel: (503) 459-4141

Fax: (503) 459-4142